

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3351

DATE: January 8, 2002

PROPOSAL: To change the zoning from H-4 General Commercial to I-1 Industrial on property north and east of the intersection of Southwest 5th Street and West B Street.

LAND AREA: Approximately 2.6 Acres

CONCLUSION: This proposal creates an H-4 district less than five acres in size, the minimum area required by the Zoning Ordinance.

RECOMMENDATION:

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 14-21, Lot B, Block 5, Elmwood Addition.

LOCATION: North and east of the intersection of SW 5th Street and W. "B" Street.

APPLICANT: Jake Von Busch
6401 Southwest 12th Street
Lincoln, NE 68523

OWNER: Same

CONTACT: Same

EXISTING ZONING: H-4 General Commercial

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Vacant	I-1
South:	Commercial	I-1
East:	Salt Creek	I-1
West:	Vacant	H-4

HISTORY: CZ#3155 - approved a change of zone in December, 1998 from B-2 to H-4 for all land within the area currently zoned H-4, except Lot B. This action also re-zoned two adjacent parcels west of 6th Street from B-2 to B-1 and R-2 (see attached vicinity map from the CZ#3155 staff report dated October 27, 1998 for the area included). The Planning Director initiated this change of zone in response to CZ#3137.

CZ#3137 - approved a change of zone from B-2 to H-4 in December, 1998 for Lot B. The applicant was Jake Von Busch, and it was originally submitted as a change of zone from B-2 to I-1 to accommodate his garbage collection service. During the review, it was determined his business was classified as a truck terminal, a use allowed in the H-4 district, so the application was amended to re-zone from B-2 to H-4 instead of to I-1. CZ#3155 was initiated by the Planning Director to re-zone the remaining B2 not included in CZ#3137 as it was less than the minimum five acres in area (see attached vicinity map from the CZ#3137 staff report dated October 27, 1998 for the area included).

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Map designates this land as Commercial.

UTILITIES: Available

TOPOGRAPHY: The entire area is within the 100 year flood plain. The property is generally flat, although the area north of West B Street slopes down to the north.

PUBLIC SERVICE: City of Lincoln fire and police.

REGIONAL ISSUES: Development in the flood plain.

ENVIRONMENTAL CONCERNS: Development in the flood plain.

ALTERNATIVE USES: Commercial uses within H-4 zoning.

ANALYSIS:

1. The Comprehensive Plan lists criteria for the review of zoning proposals. These include portions of Nebraska Revised Statutes Section 15-902;
 1. Safety from fire, flood and other dangers;
 2. Promotion of the public health, safety, and general welfare;
 3. Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development;
 4. Conservation of property values; and

5. Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.

There are seven specific criteria established in the Plan for review including;

a. Infrastructure: the availability of the water, sewer, drainage and the transportation systems.

The site can be served by municipal utilities, and is adjacent to public streets. Adequate infrastructure exists to support the allowed uses in both H-4 and I-1.

b. Compatibility: harmony and suitability with the surrounding land uses and the natural environment.

This site is entirely within the 100-year floodplain, and there may be wetlands in the area. Appropriate measures must be implemented to ensure development occurs in a manner compatible with these constraints and in compliance with the applicable laws and regulations. Lands adjacent to the north, south and east are zoned I-1, and rezoning a portion of the H-4 adjacent to I-1 would be compatible.

c. Health and Safety: protection against natural and man-made hazards including noise; air, ground and water pollution; flooding; and hazards from industrial or agricultural processes or products.

This site is within the New Salt Creek Channel corridor. Along this portion of the corridor, I-1 zoning and the associated allowed uses are compatible.

d. Physiographic Features: the topography, suitability of proposed land uses with streams, lakes, soil types, natural vegetation or wildlife habitat.

There does not appear to be any significant impact associated with this request.

e. Accessibility: availability, or lack thereof, of public transportation, arterial connections and pedestrian linkages.

This request is adjacent to, and has access to West A Street.

f. Open Space: availability of sufficient open space and recreational areas to accommodate a project's residents and employees.

Adequate open space exists.

g. Fiscal Impacts: whether the proposed use does not create a burden to local tax revenues and/or available resources.

There appears to be no significant fiscal impact.

1. The I-1 Industrial district has less restrictive setbacks and use regulations than the H-4 Highway Commercial district. The following table compares examples of allowed uses in the H-4 and I-1 districts:

	H-4	I-1
Permitted Uses	<ul style="list-style-type: none"> -Banks -Restaurants -Mini-warehouses -Warehouses, -Service Stations, -Service centers, -Contractors offices/ storage yards/ lumber yards, -Retail Sales up to 30,000 sq ft -Office buildings -Truck terminals 	<ul style="list-style-type: none"> -Any commercial or industrial use not in conflict with LMC. However, no church, school (except an authorized private school), library, hospital, indoor theater, or residence is allowed.
Conditional Uses	None allowed	<ul style="list-style-type: none"> -Recycling center -Vehicle body shop
Special Permit	<ul style="list-style-type: none"> -Sand and gravel extraction -Petroleum bulk storage -Planned Service Commercial -Small batch concrete dispensing units -Cemeteries -Early Childhood care facilities -Sexually oriented live entertainment -Truck Terminal 	<ul style="list-style-type: none"> -Refineries (for acids, alcohol, ammonia, bleach, petroleum, etc. -Operation of blast furnace, boiler works, forge, rolling mill, etc. -Production and storage of toxic, radioactive, flammable, or explosive materials, etc. -Dumping -Scrap processing

Setbacks:		
Front	50'	15'
Rear	20'	0' (unless abutting residential)
Side	20'	0' (unless abutting residential)
NOTE: See the Zoning Ordinance for a list of all uses and setbacks in these districts.		

2. This request, although not consistent with the land use map, generally meets the zoning criteria outlined in the Comprehensive Plan.
3. The minimum site in the H-4 district is five acres. If approved, the remaining H-4 district will be less than five acres in size and will not comply with the requirements of the Zoning Ordinance. It is contrary to the intent of the Zoning Ordinance for change of zones to be approved that create nonconforming uses.
4. This request leaves a strip of H-4 along the north boundary of this H-4 district and creates an illogical zoning pattern that is not conducive to development. This is inconsistent with the intent of the Zoning Ordinance which is to locate zoning district boundaries in a way that creates developable lands and encourages compatible development.
5. Re-zoning a portion of this H-4 district to I-1 would be acceptable, provided the minimum five acres of H-4 remains. It is important that the entire H-4 district not be re-zoned to I-1 as it provides a buffer to the residential uses in the area, and provides land for planned commercial development in this part of Lincoln.

Prepared by:

 Brian Will, AICP
 Planner

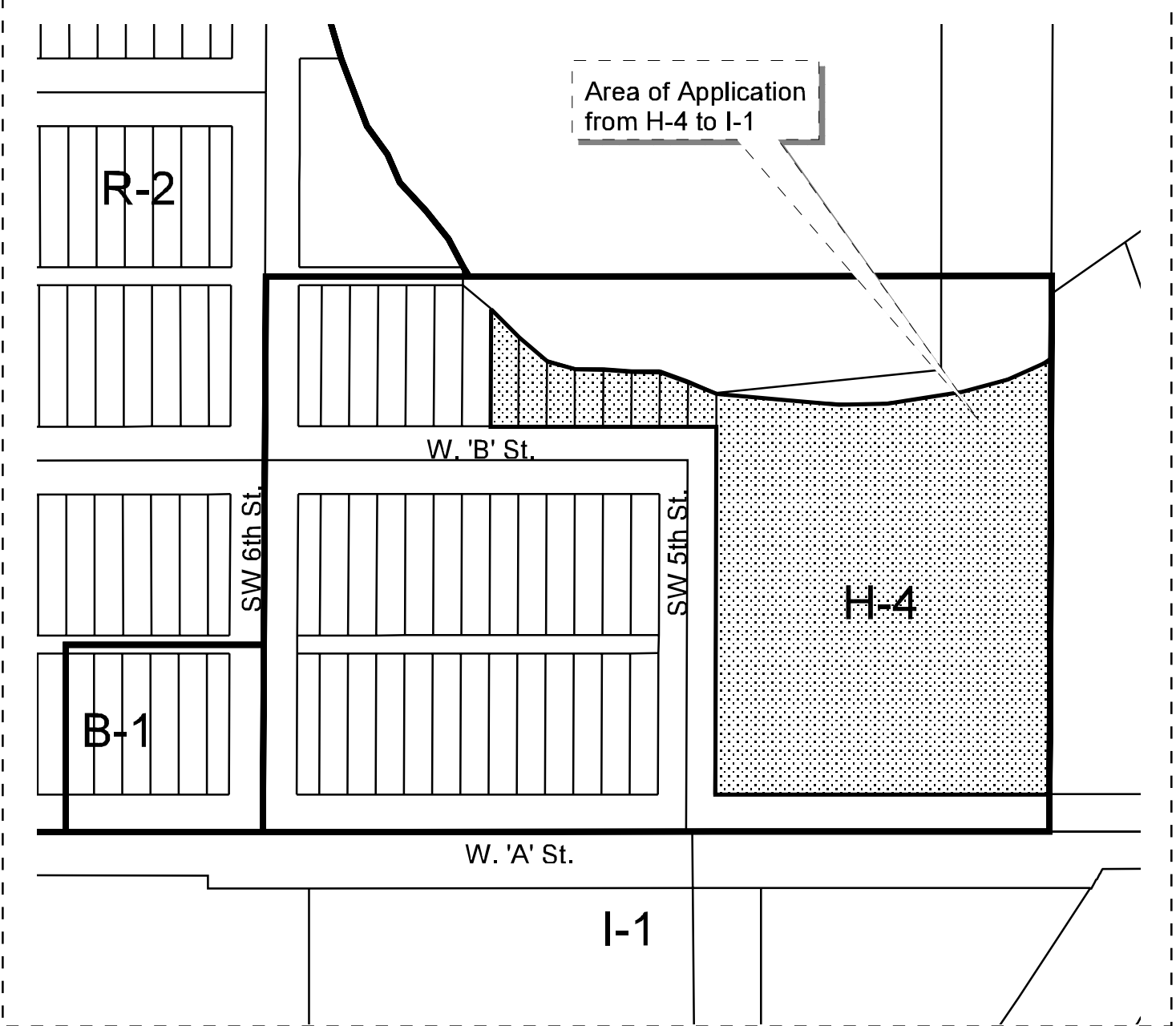


**Change of Zone #3351
SW 5th & West 'A' St.**



Photograph Date: 1997

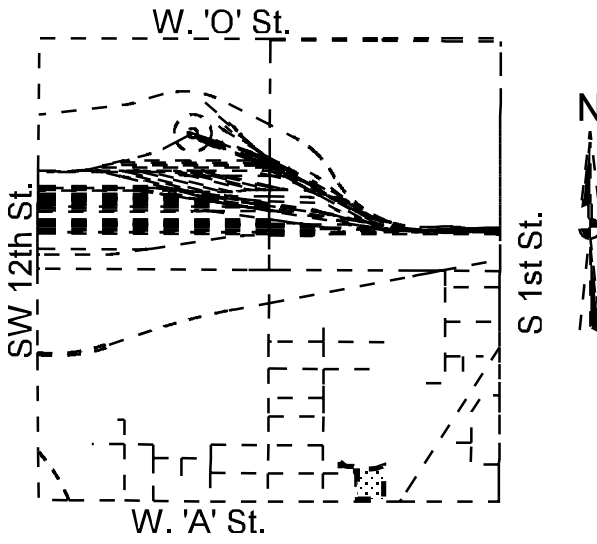
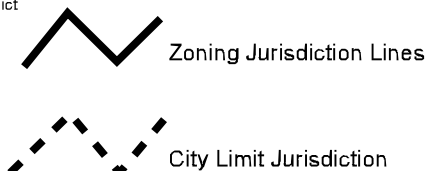
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Change of Zone #3351 **SW 5th & West 'A' St.**

- Zoning:**
- R-1 to R-8 Residential District
 - AG Agricultural District
 - AGR Agricultural Residential District
 - R-C Residential Conservation District
 - O-1 Office District
 - O-2 Suburban Office District
 - O-3 Office Park District
 - R-T Residential Transition District
 - B-1 Local Business District
 - B-2 Planned Neighborhood Business District
 - B-3 Commercial District
 - B-4 Lincoln Center Business District
 - B-5 Planned Regional Business District
 - H-1 Interstate Commercial District
 - H-2 Highway Business District
 - H-3 Highway Commercial District
 - H-4 General Commercial District
 - I-1 Industrial District
 - I-2 Industrial Park District
 - I-3 Employment Center District
 - P Public Use District

One Square Mile
 Sec. 27 T10N R6E



The City of Lincoln needs my property for the 3rd & A St overpass and I currently have I1 Zoning. I need I1 for this property I will be building on.

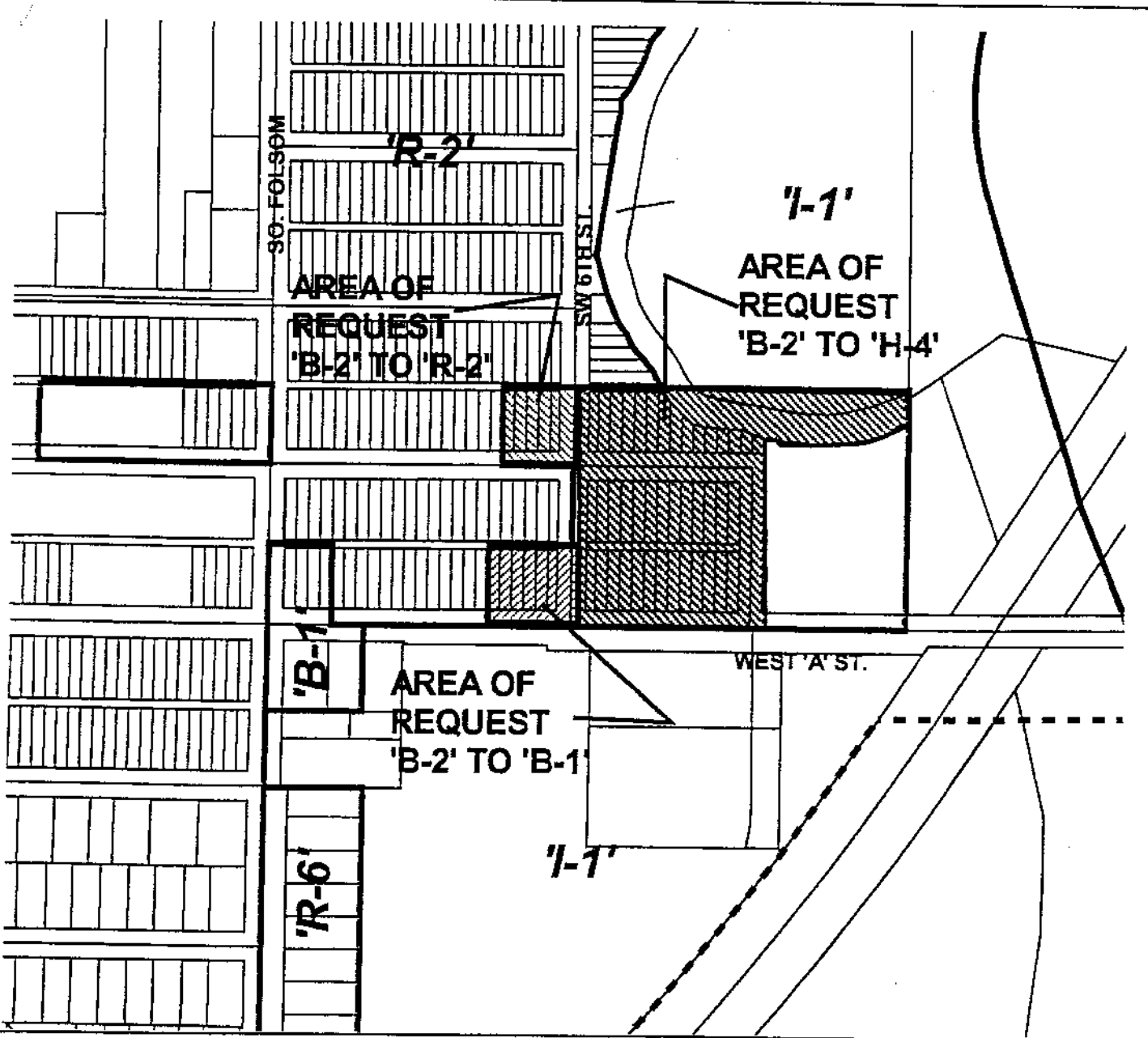
M e m o r a n d u m

JAN - 2 2002

To: Jason Reynolds, Planning
From: Dennis Bartels, Engineering Services
Subject: Change of Zone, H4 to I1
Date: December 31, 2001
cc: Roger Figard
Nicole Fleck-Tooze

Engineering Services has the following comments concerning the proposed change of zone from H4 to I1 for property located east of Southwest 6th Street north of West 'A' Street:

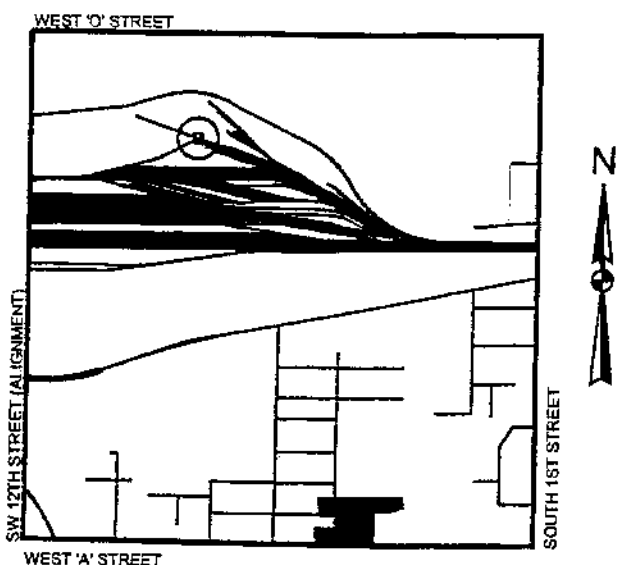
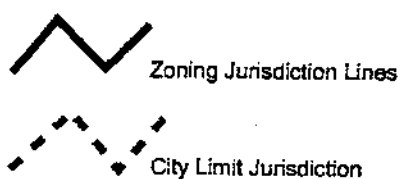
1. The proposed change appears to reduce the acreage for the remaining H4 below the required 5 acres for an H4 district.
2. I question the desirability of expanding I1 uses in the vicinity of the existing residential uses.
3. This area is in the flood plain and wetlands have been identified on the property to the north and potentially exist on this property.

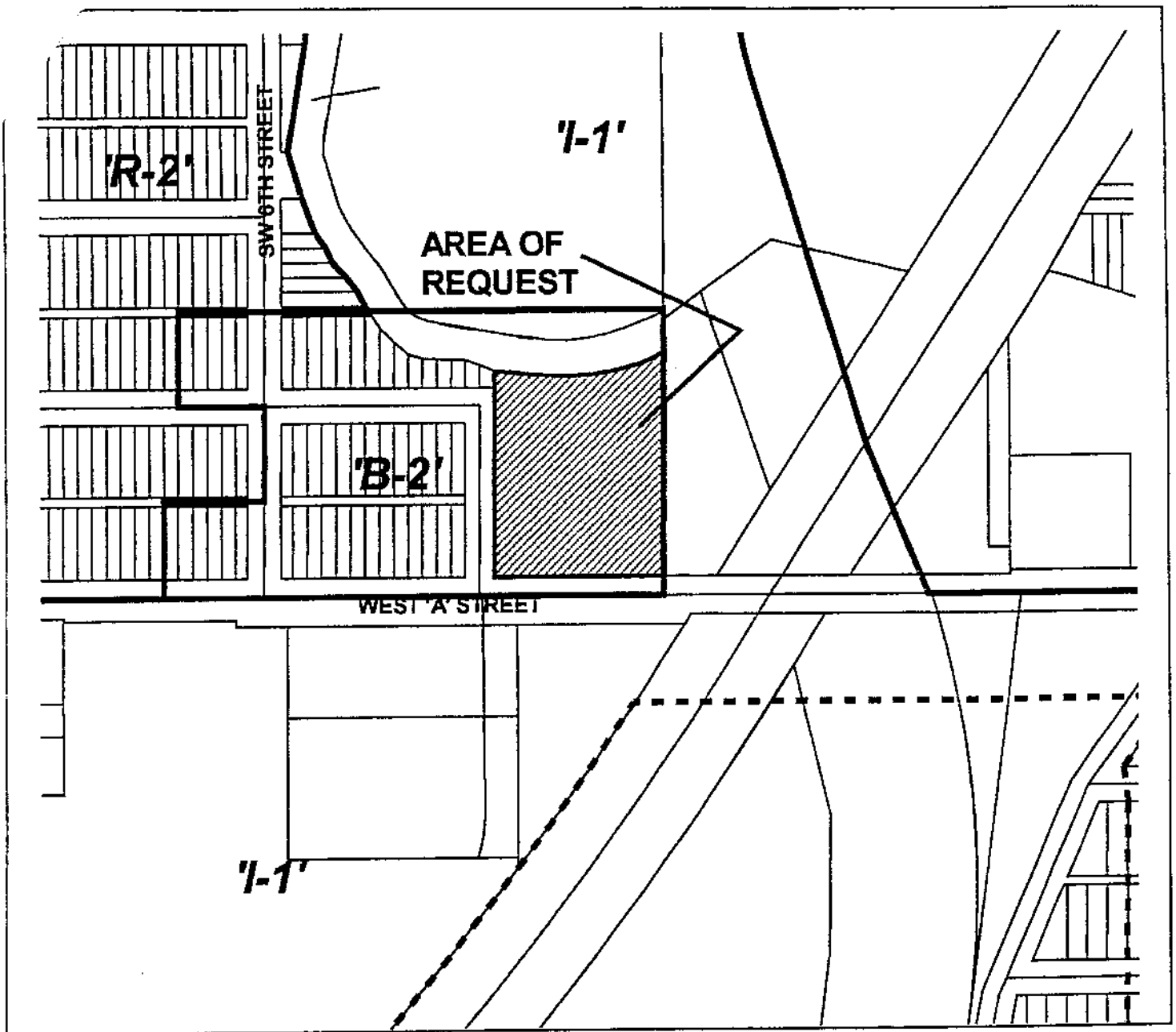


**CHANGE OF ZONE NO. 3155
'B-2' TO 'R-2', 'B-1', AND 'H-4'
SW 6TH & WEST 'A' STREET**

- oning:**
- 1 to R-6
 - 1 Residential District
 - 1 Agricultural District
 - 2 Agricultural Residential District
 - 2 Residential Conservation District
 - 2 Office District
 - 2 Suburban Office District
 - 3 Office Park District
 - 1 Residential Transition District
 - 1 Local Business District
 - 1 Planned Neighborhood Business District
 - 1 Commercial District
 - 1 Lincoln Center Business District
 - 1 Planned Regional Business District
 - 1 Interstate Commercial District
 - 1 Highway Business District
 - 1 Highway Commercial District
 - 1 General Commercial District
 - 1 Industrial District
 - 1 Industrial Park District
 - 1 Employment Center District
 - 1 Public Use District

One Square Mile
Sec. 27 - T10N - R6E



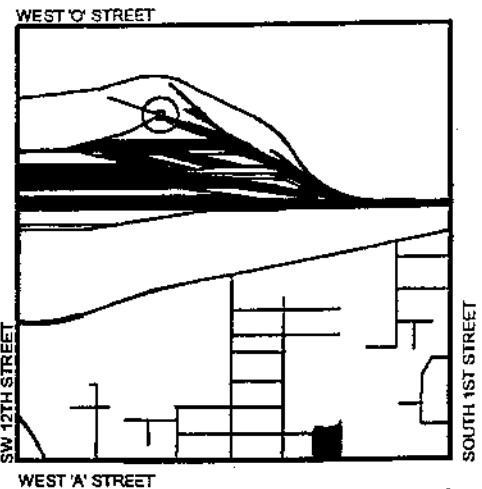
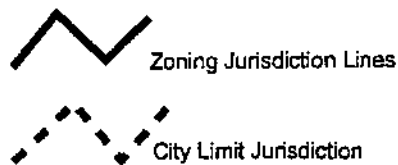


**CHANGE OF ZONE NO. 3137
'B-2' TO 'H-4'
SW 5TH & WEST 'A'**

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 27 - T10N - R6E



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Sheet 1 of 2
Date: OCTOBER 27, 1998

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